

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ARCADIA MANAGEMENT SERVICES
CO.,

Plaintiff,

vs.

ARCADIA MANAGEMENT GROUP, INC.,

Defendant.

Case No.: 4:13-cv-00458 KAW

ORDER REGARDING COUNSEL FOR
DEFENDANT; VACATING THE COURT'S
PREVIOUS ORDER; AND VACATING
CASE MANAGEMENT CONFERENCE

Plaintiff, a California corporation, is suing Defendant, an Arizona corporation, for declaratory relief under the Lanham Act. No attorney has appeared on behalf of Defendant.

Plaintiff, through counsel, and Defendant, through an "agent," have filed several stipulations to extend the time for Defendant to answer the complaint. *See* Dkt # 8, 9, 10. They also filed a stipulation selecting an ADR process, which the Court approved on April 10, 2013. *See* Dkt # 12, 13.

Because Defendant is a corporation, it cannot be represented by a non-attorney. *See* 28 U.S.C. § 1654; Civil Local Rule 3-9(b) ("A corporation, unincorporated association, partnership or other such entity may appear only through a member of the bar of this Court."); *D-Beam Ltd. P'ship v. Roller Derby Skates, Inc.*, 366 F.3d 972, 973-74 (9th Cir. 2004) ("It is a longstanding rule that corporations and other unincorporated associations must appear in court through an attorney."). Accordingly, the stipulations filed by Defendant's "agent" are not effective.

1 Accordingly, it is hereby ORDERED that:

2 1. Within 30 days of the date of this order, Defendant shall retain counsel, and, through
3 counsel, either respond to the complaint or file a stipulation extending the time to respond.

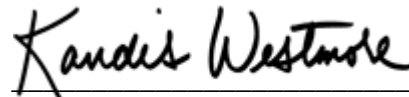
4 2. The Court's April 10, 2013 order granting the parties' stipulation selecting an ADR
5 process is vacated.

6 3. The case management conference set for April 30, 2013 is vacated.

7 Failure to comply with this order may result in a recommendation that default judgment be
8 entered against Defendant. *See Employee Painters' Trust v. Ethan Enterprises, Inc.*, 480 F.3d 993,
9 998 (9th Cir. 2007) (default may be a permissible sanction for failure to comply with local rules
10 requiring representation by counsel).

11 It is so ORDERED.

12
13 DATE: April 17, 2013



KANDIS A. WESTMORE
UNITED STATES MAGISTRATE JUDGE